

The opinion in support of the decision being entered today was not written for publication and is not binding precedent of the Board.

**UNITED STATES PATENT AND TRADEMARK OFFICE**

---

**BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES**

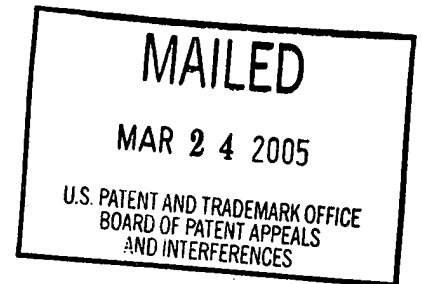
---

Ex parte HYAM I. LEVITSKY and  
IVAN BORELLO

---

Application No. 09/992,443

---



**ORDER RETURNING UNDOCKETED APPEAL TO EXAMINER**

---

This application was electronically received at the Board of Patent Appeals and Interferences on March 7, 2005. A review of the application has revealed that the application is not ready for docketing as an appeal. Accordingly, the application is herewith being returned to the examiner. The matters requiring attention prior to docketing are identified below.

We were unable to locate copies of the Janeway, Kageshita, and Wang et al. (Wang 1996) references relied on by the examiner on page 5 of the Examiner's Answer mailed November 26, 2004.

Additionally, on January 31, 2005, appellants filed a Reply Brief. There is no indication that the Reply Brief has been considered by the Examiner.

Application No. 09/992,443

Accordingly, it is

**ORDERED** that the application is returned to the Examiner to:

- locate copies of the Janeway, Kageshita, and Wang 1996 references,
- have complete copy of the references scanned into the IFW file,
- consider the Reply Brief;
- written notification to appellants of said consideration, and
- for such further action as may be appropriate.

BOARD OF PATENT APPEALS  
AND INTERFERENCES



---

Kimberly Jordan  
Program and Resource Administrator  
(571) 272-9797

Gardner, Carton and Douglas, LLP  
Attn: Patent Docket Dept.  
191 N. Wacker Drive, Suite 3700  
Chicago, IL 60606

dem